

BONNIE E. ESKENAZI (SBN 119401)
BEskenazi@ggfirm.com
ELISABETH A. MORIARTY (SBN 156569)
EMoriarty@ggfirm.com
RICARDO P. CESTERO (SBN 203230)
RCester@ggfirm.com
GREENBERG GLUSKER FIELDS CLAMAN &
MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590
Telephone: 310.553.3610
Fax: 310.553.0687

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FOURTH AGE LIMITED, a United Kingdom corporation; PRISCILLA MARY ANNE REUEL TOLKIEN, as TRUSTEE OF THE TOLKIEN TRUST, a United Kingdom Charitable Trust; THE J.R.R. TOLKIEN ESTATE LIMITED, a United Kingdom corporation; HARPERCOLLINS PUBLISHERS, LTD., a United Kingdom corporation; UNWIN HYMAN LTD., a United Kingdom corporation; and GEORGE ALLEN & UNWIN (PUBLISHERS) LTD., a United Kingdom corporation,

Plaintiffs,

V.

WARNER BROS. DIGITAL DISTRIBUTION, INC., a division of WARNER BROS. HOME ENTERTAINMENT, INC., a Delaware corporation; WARNER BROS. ENTERTAINMENT, INC., a Delaware corporation, as successor-in-interest to New Line Cinema Corp.; WARNER BROS. CONSUMER PRODUCTS, INC., a Delaware corporation; WARNER BROS. INTERACTIVE ENTERTAINMENT, INC., a division of WARNER BROS. HOME ENTERTAINMENT, INC.; NEW LINE PRODUCTIONS, INC., a California corporation; THE SAUL ZAENTZ COMPANY d/b/a Middle-earth Enterprises, a Delaware corporation; and DOES 1-10, inclusive.

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. CV 12-09912
ABC (SHx)

DISCOVERY MATTER

Hon. Audrey B. Collins

Magistrate Stephen J.
Hillman

**DECLARATION OF
JOANNA BLYTHE IN
SUPPORT OF
PLAINTIFFS'
OPPOSITION TO
WARNER PARTIES'
MOTION TO COMPEL
DOCUMENTS AND
PRIVILEGE LOG AND
REQUEST FOR
SANCTIONS AGAINST
THE WARNER
PARTIES AND THEIR
COUNSEL IN THE
AMOUNT OF \$9,525**

Date: Feb. 24, 2014

Time: 2:00 p.m.

DECLARATION OF JOANNA BLYTHE

I, JoAnna Blythe, declare:

1. I am a paralegal and the Manager of Litigation Support at Greenberg Glusker Fields Claman & Machtiner LLP, attorneys of record for Fourth Age Limited, Priscilla Mary Anne Reuel Tolkien, as Trustee of the Tolkien Trust, the J.R.R. Tolkien Estate Limited, Harper Collins Publishers, Ltd., Unwin Hyman, Ltd. and George Allen & Unwin (Publishers), Ltd. (the “Tolkien/HC Parties”) herein. The facts set forth herein are of my own personal knowledge and if sworn I could and would testify competently thereto under oath.

2. I am responsible for maintaining plaintiff's document databases in this case and for preparing plaintiffs' productions. I am also responsible for processing documents produced by defendants Warner Bros. Digital Distribution, Inc., Warner Bros. Home Entertainment, Inc., Warner Bros. Consumer Products, Inc., Warner Bros. Interactive Entertainment, Inc., and New Line Productions, Inc. (collectively, "Warner"), defendant The Saul Zaentz Company ("Zaentz"). The document productions to date by all parties includes more than 155,375 pages of documents.

3. I am familiar with the document productions made by Zaentz in this action. Zaentz produced approximately 14,462 documents in the action. Of those, 5,079 listed the custodian as “SZC.” For the vast majority of the remaining documents, no custodian is provided.

4. The hard copy files collected and produced by the Tolkien/HC Parties do not have “metadata” associated with them because such documents were not stored in an electronic format. Rather, the paper files were copied and/or scanned and reviewed for production. As plaintiffs understand the term “metadata,” there is no metadata associated with hard copy documents. To provide the custodian information requested by Warner with respect to hard copy documents, plaintiffs’ counsel would have to assign custodian designations to each of the documents.

1 | Custodian information for hard copy does not exist independently.

2 5. I have analyzed, and am familiar with, both Warner's and Zaentz's
3 hard copy document productions. Many of Warner's hard copy documents are
4 missing the custodian information in its entirety and fail to identify individual
5 custodian information. As to Zaentz's hard copy production, Zaentz listed the
6 custodian of all of its hard copy documents as "SZC" and did not identify
7 individual custodians.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

2 Executed this 3rd day of February, 2014 at Los Angeles, California.

 JoAnna Blythe